

Agricultural Marketing Service, USDA

§ 982.454

report thereon to the Board on F/H Form 7 showing:

- (i) The date shelling was completed;
- (ii) The inspection certificate or lot number;
- (iii) The quantity shelled;
- (iv) The weight of the kernels produced; and
- (v) The location where restricted hazelnuts were held immediately prior to shelling.

(b) *Exports.* Any handler who desires to act as agent of the Board in negotiating export sales of certified merchantable restricted hazelnuts may do so upon the execution of an "Export Agreement", F/H Form A, wherein the handler agrees, among other things, to negotiate such export sales at not less than such price as the Board may prescribe, and in conformity to and compliance with the other terms and conditions of the Export Agreement including those set forth in § 982.52(b).

(c) *Other authorized outlets.* Under the direction or supervision of the Board, a handler may dispose of restricted hazelnuts for charitable purposes and for promoting the consumption of hazelnuts on behalf of the hazelnut industry in general. The report required under § 982.67(b) following each such disposition shall be accompanied by a certification by the person receiving such hazelnuts from the handler that they will be used for charitable or promotional purposes, as authorized.

[26 FR 4191, May 16, 1961. Redesignated at 26 FR 12751, Dec. 30, 1960, as amended at 54 FR 46721, Nov. 7, 1989]

§ 982.453 Disposition of substandard hazelnuts.

The Board shall maintain a list of approved users who are crushers, livestock feed manufacturers, or livestock feeders, and of the locations of the facilities to which substandard hazelnuts may be shipped. Users interested in purchasing substandard hazelnuts or hazelnut waste must make prior application to the Board on F/H Form D to be included on the approved list of such users. Each handler who disposes of substandard hazelnuts to an approved user shall, upon shipment, report to the Board on F/H Form D1 the quantities disposed of or shipped. Substandard hazelnuts disposed of to an

approved user may only be shipped directly to an approved location where the crushing, feed manufacture, or feeding is to take place. The Board may deny approval to any user application, or may remove any user from the approved list when such denial or removal is deemed necessary to ensure control over disposition of substandard hazelnuts. This may occur if the Board determines that substandard hazelnuts are not properly shipped to, or utilized at, approved facilities, in compliance with this requirement. F/H Form D includes the location and description of the disposal facilities to be used as well as a certification to the Board and the Secretary of Agriculture that the applicant will:

(a) Crush, manufacture feed, or feed to livestock such hazelnuts at the location;

(b) Use such hazelnuts for no other purpose than for crushing into oil, manufacturing into livestock feed, or livestock feeding;

(c) Permit such inspection of premises and of hazelnuts received and held, and such examination of books and records covering hazelnut transactions as the Board may require;

(d) Keep a record of receipts, holdings, and use of substandard hazelnuts available for examination by authorized representatives of the Board and the U.S. Department of Agriculture for a period of two years after the end of the marketing year in which the recorded transactions are completed; and

(e) Make such reports, certified to the Board and the Secretary of Agriculture as to their correctness, as the Board with the approval of the Secretary may require.

[54 FR 24328, June 7, 1989]

§ 982.454 Sureties acceptable to the Board.

Bonds secured by cash, cashier's or certified checks, or by assets that are entirely separate and apart from the handler named in the bond may be accepted by the Board pursuant to § 982.54(a). As a condition of accepting any surety, the Board may require such financial statements or other information relating to the ability of such surety to guarantee a handler's bond as it

§ 982.455

deems necessary. Handlers are also required to submit F/H Form C to the Board to document the handler's execution of a bond.

[54 FR 46721, Nov. 7, 1989]

§ 982.455 Exchange of certified merchantable hazelnuts withheld.

Each handler desiring to exchange hazelnuts pursuant to § 982.55 shall prior thereto file a written notification with the Board setting forth for the respective quantities of hazelnuts involved in the exchange, the inspection certificate numbers, quantities, locations, and applicable lot numbers.

[54 FR 46721, Nov. 7, 1989]

§ 982.456 Interhandler transfers.

Each interhandler transfer of hazelnuts pursuant to § 982.56 (a) and (c) may be made upon notification to the Board in triplicate by the receiving handler on F/H Form 2 signed by both the transferring handler and the receiving handler which shall include the following information:

- (a) Date of transfer;
- (b) Names of the transferring and receiving handlers;
- (c) Locations between which the hazelnuts were transferred;
- (d) Whether uncertified inshell or certified merchantable;
- (e) Net weight of the hazelnuts transferred, by size and variety;
- (f) The inspection certificate, or lot number covering the hazelnuts; and
- (g) If certified merchantable, the name of the handler responsible for compliance with the applicable requirements pursuant to this part relating to such hazelnuts.

[54 FR 46721, Nov. 7, 1989]

§ 982.460 Transfer of excess restricted credits.

(a) *Notification.* Each handler having excess restricted credits who wants to transfer all or a portion thereof to another handler or handlers, may notify the Board accordingly. The Board shall make available to all handlers such information on a weekly basis.

(b) *Application.* Each handler who has excess restricted credits and desires to transfer them to another handler, may

7 CFR Ch. IX (1-1-12 Edition)

submit such request to the Board on F/H Form 3. This form shall include:

- (1) The name and signature of the handler requesting the transfer;
- (2) The name and signature of the designated handler to whom the transfer is to be made;
- (3) The amount of excess restricted credits to be transferred; and
- (4) Such other information as may be needed by the Board to enable the Board to effect the requested transfer of the excess restricted credits.

(c) *Transfer.* The Board shall transfer the requested amount of the excess restricted credits from one handler to a designated handler upon receipt of a completed F/H Form 3 together with such information as may be required by this section.

[37 FR 3630, Feb. 18, 1972, as amended at 54 FR 46721, Nov. 7, 1989]

§ 982.461 Late payment and interest charges.

The Board shall impose a late payment charge on any handler failing to pay his assessment within 30 days of the billing date shown on the handler's assessment statement received from the Board. Such amount shall be shown on the statement as the "Assessment Due". The late payment charge shall be 5 percent of the unpaid balance of that amount. In the event the handler fails to pay the delinquent amount, including the late payment charge, within 60 days following the billing date, an additional 1 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as assessments, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Board's office.

[38 FR 5151, Feb. 26, 1973]

§ 982.466 Reports of inshell hazelnuts handled, shelled and withheld.

Each handler shall report to the Board monthly on F/H Form 1 and F/H Forms 1a through 1e, as applicable, the quantities of inshell hazelnuts handled or withheld for restricted use and all product shelled and certified since the